



FREDERICK COUNTY PLANNING COMMISSION

April 10, 2013

TITLE: Linton at Ballenger: Community Center

FILE NUMBER: SP-05-08/S-1128, AP 13311, APFO 13312, FRO 13313

REQUEST: **Site Plan Approval**
The Applicant is requesting site plan approval for a 5,093 square foot community center with two swimming pools; 4,805 and 356 square feet respectively, on a 1.1-acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION: Located at the corner of Ballenger Creek Pike MD 351 and Alan Linton Boulevard, east of Elmer Derr Road.

TAX MAP/PARCEL: Map 85, Parcel 44

COMP. PLAN: Medium Density Residential

ZONING: Planned Unit Development

PLANNING REGION: Adamstown

WATER/SEWER: W-3/S-3

APPLICANT/REPRESENTATIVES:

APPLICANT: Linton Green, LLC

OWNER: Linton Green, LLC

ENGINEER: Rodgers Consulting

ARCHITECT:

ATTORNEY:

STAFF: Tolson DeSa, Principal Planner II

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

Exhibit 1-Site Plan Rendering
Exhibit 2-Loading Space Modification Justification Statement

STAFF REPORT

ISSUE

Development Request

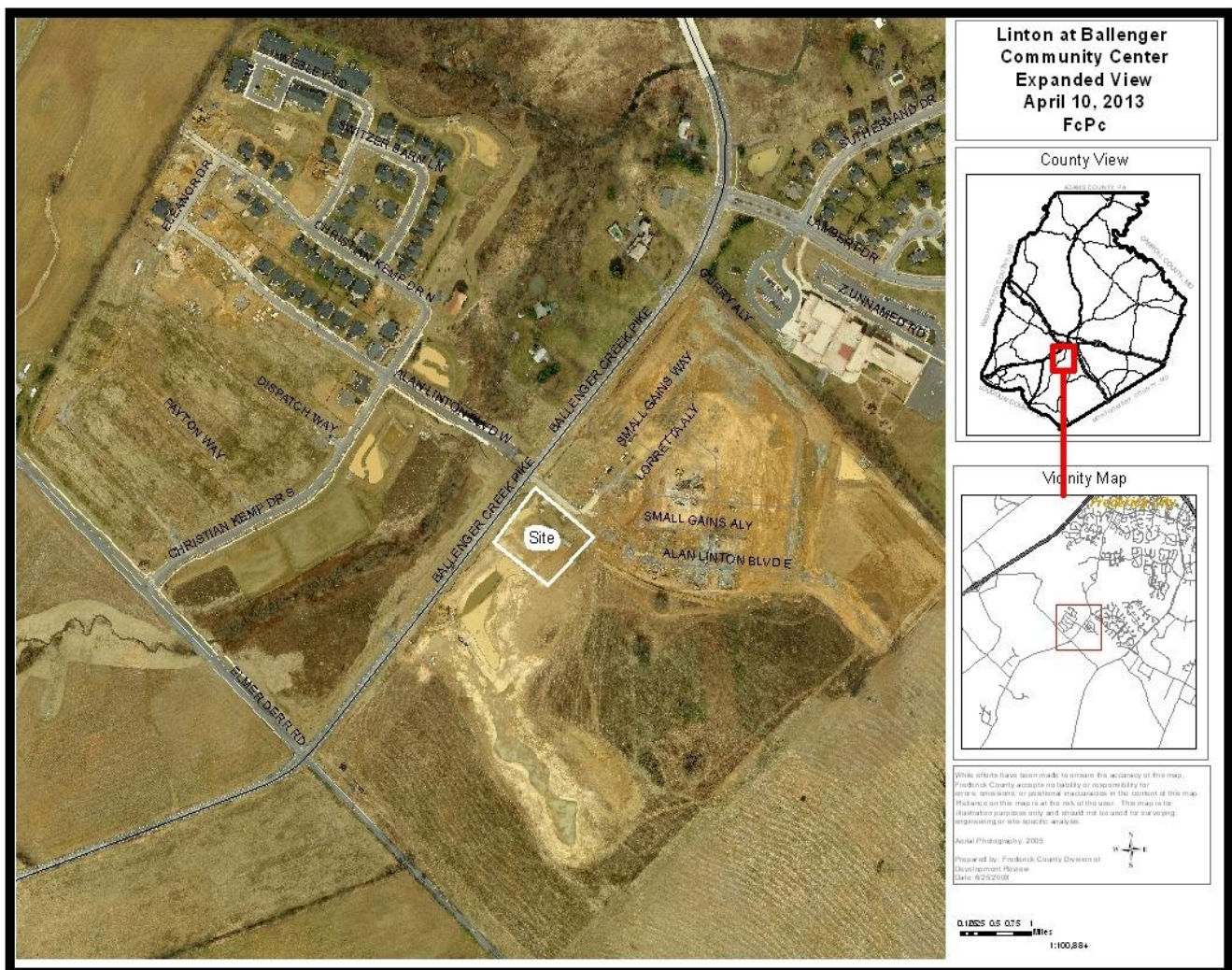
The Applicant is requesting site plan approval for a 5,093 square foot single-story community center with two swimming pools; 4,805 and 356 square feet respectively, on a 1.1-acre site. See Graphic #1. The proposed use is being reviewed as a part of the fulfillment of the Green Space/Recreation requirements approved within the Linton Property Phase II PUD originally approved in 2004.

BACKGROUND

Development History

In 2004, the Ausherman Development Corporation filed an application to rezone the Linton Property, which consists of 138.7 acres, from Agriculture classification to the Planned Unit Development (PUD) classification to permit the development of a mixed-use residential community containing a maximum of 763 dwelling units. On March 11, 2004, the Applicant received approval from the Board of County Commissioners (BOCC) for the rezoning request with twenty-six (26) conditions. These conditions are outlined in Ordinance Number 04-03-347. At the time of the Phase I Plan approval, a Maximum Density of 5.5 dwelling units per acre was set for the project by the BOCC.

Graphic #1



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The PUD Phase II Plan for the development was conditionally approved at the October 20, 2004 Planning Commission (FCPC) meeting. The Phase II Development Plan included project phasing, location of land bays as well as identifying the Community Center as a portion of the green space/recreation amenities. The Phase II Plan also incorporated the provisions of the Moderately Priced Dwelling Unit Ordinance adopted in November 2002.

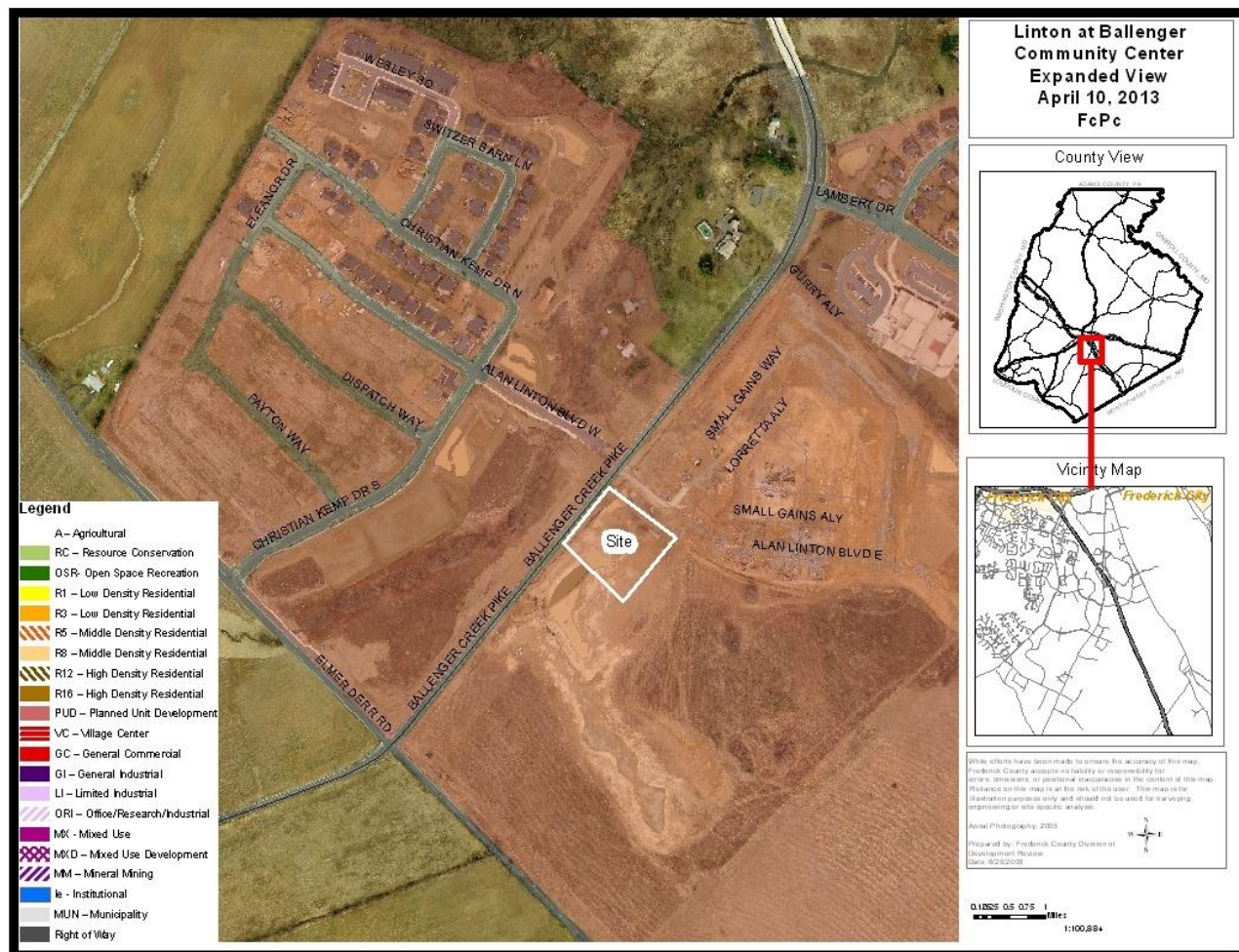
The FCPC conditionally approved the Preliminary Plan for Section I, the Site Plan for the Town Home portion of Section I and the Combined Preliminary Plan and Site Plan for Section II of the Linton Farm in May of 2005.

The Applicant has complied with all the conditions set forth by the FCPC for the Section I Preliminary Plan and has received full approval. The Combined Preliminary/Final Site Plan for Section II was approved by the FCPC on October 10, 2007. The FCPC reviewed and approved height, setback and parking space modifications for this project. The Applicant has recorded lots in Section I and has vested the Site Plan for Section I of the development. Construction and build continues in portions of Section I and has commenced as well in Section II.

Existing Site Characteristics

The site is located within the Adamstown Planning Region, with a comprehensive plan land use designation of Medium Density Residential and a zoning classification of Planned Unit Development (PUD). The adjacent zoning districts are Agricultural (AG) to the south and Mixed Use Development (MXD) district to the east. See Graphic #2.

Graphic #2



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ANALYSIS

Summary of Key Issues, Development Standards Findings and/or Conclusions

Staff worked with the Applicant on a few issues from the original submittal, including the design and placement of a drop off area to the side of the building in order to facilitate improved vehicular circulation throughout the site and adjacent streets, as well as redesigning certain areas nearby on-street parking to pick up additional spaces in very close proximity to the Community Center.

Detailed Analysis of Findings and Conclusions

Site Development Plan Approval shall be granted based upon the criteria found in §1-19-3.300.4 Site Plan Review Approval Criteria of the Frederick County zoning ordinance.

Site Development §1-19-3.300.4 (A): *Existing and anticipated surrounding land uses have been adequately considered in the design of the development and negative impacts have been minimized through such means as building placement or scale, landscaping, or screening, and an evaluation of lighting. Anticipated surrounding uses shall be determined based upon existing zoning and land use designations.*

Findings/Conclusions

- 1. PUD Dimensional Requirements/Bulk Standards:** The setbacks for this use are flexible under the standards outlined in the PUD zoning text at the time of the original PUD review and approval. The Applicant is proposing 10-foot front, and 10-foot side yard setbacks, due to the overall design of the PUD this lot is a corner lot therefore no rear yard associated with this use. The proposed building is sited well within those defined setbacks, with actual dimensions of 30-feet from Ballenger Creek Pike MD 351, 25-feet Alan Linton Drive East, and 90-feet from Jack Linton Drive South. The proposed setbacks adhere to the requirements of the PUD.
- 2. Signage §1-19-6.300:** The Applicant is not proposing any signage as part of this application.
- 3. Landscaping §1-19-6.400:** The site is designed with a variety of plant species. Street tree plantings are consistent with previous approvals by the Planning Commission. The Applicant has provided plantings in the courtyard areas, and has also provided screening around the perimeter of the pools and community center as well as the parking areas.

Lighting §1-19-6.500: This site will be served by the photometric plans previously approved for the Combined Preliminary/Final Site Plans for Sections II and III.

In addition to the street lighting provided, the Applicant anticipates entrance feature lighting, exterior building lighting to enhance the pedestrian areas and doorways, and the pool/deck area will be lighted in accordance with COMAR-10.17.01.32 with respect to the illumination of water, deck and walkway areas for public pools. The Applicant will continue to work with Staff in order to finalize the lighting plan in accordance with the requirements of 1-19-6.500.

Transportation and Parking §1-19-3.300.4 (B): *The transportation system and parking areas are adequate to serve the proposed use in addition to existing uses by providing safe and efficient circulation, and design consideration that maximizes connections with surrounding land uses and accommodates public transit facilities. Evaluation factors include: on-street parking impacts, off-street parking and loading design, access location and design, vehicular, bicycle, and pedestrian circulation and safety, and existing or planned transit facilities.*

Findings/Conclusions

1. **Access/Circulation:** The site is located at the corner of MD 351 and Alan Linton Boulevard East. The main 20' wide access point is located off of Alan Linton Boulevard East and leads directly to the drop-off area in front of the Community Center. The site also has access from Walcott Lane.
2. **Connectivity §1-19-6.220 (F):** The site is well connected to the pedestrian sidewalk network that connects all of Linton Sections 2, 3, and 4.
3. **Public Transit:** The site is not served by Transit.
4. **Vehicle Parking and Loading §1-19-6.200-through 1-19-6.220:** Parking for the community center and swimming pool is calculated based on 1 space for every 5 persons capacity. Based on a 1 person per 15 square feet calculation, the 4,805 square foot pool has a capacity of 321 people. Based on this same calculation, the 356 square foot pool has a capacity of 24 people, for a total pool capacity of 345 people. Therefore, the 345 person capacity for both pools requires 69 parking spaces.

The parking for the community center is calculated based on 1 space for every 5 person capacity in the conference room. The proposed conference room will hold 146 people; therefore 30 additional parking spaces will be required.

The total parking requirement for the pools and the community center is 98 spaces, the Applicant has provided 22 parking spaces on-site, and will provide an additional 19 along Walcott Lane, which is approximately 180 feet from the main entrance of the community Center/pools. The remaining required parking spaces will be provided as shared on-street parking, all within 500 feet of the proposed facility throughout Linton at Ballenger Section III. As noted earlier, staff worked with the applicant to provide this additional parking in close proximity of the community center, essentially providing 41 of the spaces 'on-site' with the remainder distributed throughout the shared on-street parking of the neighborhood..

In addition, the Applicant is requesting a loading space modification in accordance with Section 1-19-6.210.B in order to waive the requirement to provide any off-street loading spaces. This use does not anticipate any high volume delivery of goods, in addition there is no restaurant use proposed as part of this community center plan.

Staff supports the loading space modification request to eliminate the requirement to provide a loading space for this site plan.

5. **Bicycle Parking §1-19-6.220 (H):** Per Zoning Ordinance §1-19-6.200.H, the Applicant has provided bike racks for 24 bicycles.
6. **Pedestrian Circulation and Safety §1-19-6.220 (G):** The site is surrounded by proposed sidewalks, including a 10' wide sidewalk leading off of MD 351 onto Jack Linton Drive South in front of the main entrance to the community center. The proposed sidewalks on site are also connected to the pedestrian sidewalk network that connects all of Linton Sections 2, 3, and 4.

Public Utilities §1-19-3.300.4 (C): *Where the proposed development will be served by publicly owned community water and sewer, the facilities shall be adequate to serve the proposed development. Where proposed development will be served by facilities other than publicly owned community water and sewer, the facilities shall meet the requirements of and receive approval from the Maryland Department of the Environment/the Frederick County Health Department.*

Findings/Conclusions

1. **Public Water and Sewer:** Water and sewer facilities are adequate to accept the proposed use. The site is to be served by public water and sewer and is classified W-3, S-3. The entire site is in pressure Zone #1 with water coming from the New Design Road Water Facility and Sewer flowing into the Ballenger McKinney Wastewater Treatment Plant.

Natural features §1-19-3.300.4 (D): *Natural features of the site have been evaluated and to the greatest extent practical maintained in a natural state and incorporated into the design of the development. Evaluation factors include topography, vegetation, sensitive resources, and natural hazards.*

Findings/Conclusions

1. **Topography:** The topography is relatively flat; there is a slight uphill grade change from MD 351 to the Community Center/Pool site.
2. **Vegetation:** There is no existing vegetation on this site.
3. **Sensitive Resources:** There are no sensitive environmental features that are impacted by any proposed development on this site.
4. **Natural Hazards:** There are no natural hazards located on this site.

Common Areas §1-19-3.300.4 (E): *If the plan of development includes common areas and/or facilities, the Planning Commission as a condition of approval may review the ownership, use, and maintenance of such lands or property to ensure the preservation of such areas, property, and facilities for their intended purposes.*

Findings/Conclusions

1. **Ownership:** The community center will be dedicated to the Linton at Ballenger Homeowners Association.

Other Applicable Regulations

Stormwater Management – Chapter §1-15.2: Stormwater management (SWM) quality is provided in SWM Pond #6. SWM Quantity Control is provided in SWM Facility #5. The overall SWM plan was reviewed and approved under the mass grading plan for Sections II and III, AP 12905.

APFO – Chapter §1-20:

1. **Schools.** Schools are exempt due to the non-residential use proposed.
2. **Water/Sewer.** Water and sewer facilities are adequate to accept the proposed use and are therefore exempt from further testing.
3. **Roads.** The project is exempt from APFO Roads. All APFO testing was performed during the Phase II approval in 2004. Mitigation is phased in accordance with the approved Letter of Understanding.

Forest Resource – Chapter §1-21: The FRO easements for Phase C as shown on the approved FRO plan (AP 10907) for Section III and must be recorded prior to lot recordation, grading permits, or building permits (whichever is applied for first).

Findings/Conclusions

Summary of Agency Comments

<i>Other Agency or Ordinance Requirements</i>	<i>Comment</i>
<i>Development Review Engineering (DRE):</i>	Conditional Approval
<i>Development Review Planning:</i>	Hold: Address all agency comments as the plan proceeds through to completion.
<i>State Highway Administration (SHA):</i>	Conditional Approval
<i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i>	Conditional Approval
<i>Health Dept.</i>	Conditional Approval
<i>Office of Life Safety</i>	Approved
<i>DPDR Traffic Engineering</i>	Approved
<i>Historic Preservation</i>	N/A

RECOMMENDATION

Staff has no objection to conditional approval of the Site Plan (SP-05-08). If the Planning Commission conditionally approves the site plan, the site plan is valid for a period of three (3) years from the date of Planning Commission approval.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. Approval of Loading Space Modification in accordance with Section 1-19-6.210.B of the Zoning Ordinance.
3. The Applicant will continue to work with Staff in order to develop a lighting plan in accordance with the requirements of 1-19-6.500.

PLANNING COMMISSION ACTION

MOTION TO MODIFY AND APPROVE AS MODIFIED

I move that the Planning Commission **APPROVE** SP-05-08/S-1128 **with conditions** as listed in the staff report and **MODIFY** by inserting the conditions listed above for the proposed Linton at Ballenger Community Center and Pool, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.



LINTON at BALLENGER
COMMUNITY CENTER
Illustrative Concept Plan

GRAPHIC SCALE
0 10 20 30 40 50
Feet
Exhibit is for illustrative purposes only.

Exhibit #2-Linton at Ballenger Community Center Loading Space Modification Statement



March 27, 2013

Mr. Tolson DeSa
Community Development Division
Frederick County
30 N Market Street
Frederick, MD 21701

Re: Linton at Ballenger Community Center
Site Plan Application
Loading Modification Request A/P 13311
Rodgers Consulting Project No. 1122A3

Dear Mr. DeSa:

On behalf of Linton Green, LLC, please accept this document as a formal request of the Planning Commission to approve a modification to the Standard PUD Development Policy regarding loading space requirements and dimensions.

We base this request on the provisions of Section 1-19-10.500.9(D) of the County Zoning Ordinance, which grants the Planning Commission the authority to approve modifications to the standards applicable to Planned Development Districts (as set forth in Section 1-19-10.500.9(A) of the County Zoning Ordinance.

We respectfully request the following modification:

1) Loading Space Requirement:

- The County Zoning Ordinance, pursuant to Section 1-19.6.210(B) would require the proposed community center building to provide a minimum of one (1) small loading space. The applicant respectfully requests a modification to the following general development standard set forth in Section 1-19-6.210(A)(B) of the Zoning Ordinance – "Loading space requirements and Dimensions", to waive the requirement to provide any off-street loading spaces.

Justification:

- The Community Center being proposed is +/- 5,093 gross square feet. After subtracting the incidental service, storage and mechanical areas from the gross area, the net square footage is approximately +/- 4,280 square feet, requiring only one (1) small loading space.
- The Community Center is to serve only the residents of the Linton at Ballenger Subdivision, and there is no commercial service provided to the general public which would increase the frequency of deliveries, necessitating a formal loading space.
- The Community Center being proposed does not anticipate any high-volume delivery of goods in a tractor-trailer, necessitating any large loading spaces. Also, there is no restaurant use proposed, which would increase the frequency of deliveries.

- The proposed delivery vehicles such as, mail, fed-ex, ups, etc., will most likely be the smaller single body vehicle, which could utilize the proposed 8 ft. x 44 ft. drop off area adjacent to the 24 ft. wide two way drive aisle for their temporary loading space for deliveries.

Based on the justification provided and that the modification requests are consistent with the rules and regulations provided in the Frederick County Zoning Ordinance, we look forward to your review and approval.

Sincerely,
Rodgers Consulting, Inc.



Ryan D. White
Planner

Cc: M. Fitzgerald, Linton Green
M. Hummel, H2 Land
R. Frey, Rodgers Consulting
M. Friis, Rodgers Consulting
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